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Total Number of Pages in This Submission

Application Number	09/927,619
Filing Date	August 10, 2001
First Named Inventor	PATEL, Arvind D.
Art Unit	3672
Examiner Name	TUCKER, Phillip C.
Attorney Docket Number	11836.0702.NPUS00

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD  <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Remarks  PART B-FEE(S) TRANSMITTAL + 1 COPY; COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE; AND POSTCARD	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	HOWREY SIMON ARNOLD & WHITE, LLP (Cust. No. 23369) 27551		
Signature			
Printed name	Michelle Replogle		
Date	October 15, 2004	Reg. No.	54,394

**CERTIFICATE OF EXPRESSMAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage for Express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below, number: US 317619618 US

Signature			
Typed or printed name	Michelle C. Replogle	Date	October 15, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: PATEL, Arvind D. *et al.*

Serial No.: 09/927,619

Confirmation No.: 5353

Filed: August 10, 2001

For: BIODEGRADABLE SURFACTANT FOR INVERT  
EMULSION DRILLING FLUID

Group Art Unit: 1712

Examiner: TUCKER, Phillip

Atty. Dkt. No.: 11836.0702.NPUS00  
PA-00107

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE  
UNDER 37 C.F.R. § 1.104(e)**

**Mail Stop ISSUE FEE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE UNDER 37 C.F.R. § 1.104(E):**

This paper is submitted in response to the Reasons for Allowance found in the Notice of Allowance mailed July 16, 2004. As this comment is being filed along with payment of the issue fee, no fees are believed to be due. However, should any fees be required for any reason, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508, referencing Order No. 11836.0702.NPUS00.

The Applicants appreciate the Examiner's allowance of all pending claims in this application. In the "Reasons for Allowance," the Examiner states:

The currently claimed invert emulsion drilling fluid is distinguished from [sic] the prior art of WO '383, since the presently claimed polyglycerol-2 diisostearate falls outside the scope of the HLB values disclosed for the



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surfactants of WO '383, and thus would not be rendered obvious to one of ordinary skill in the art.

Applicants agree that the cited prior art differs from the instant claimed invention. Applicants respectfully point out, however, that the Examiner has not properly characterized the scope of all of Applicants' allowed claims and the Examiner's statement should not be interpreted as indicative of the scope of all of the Applicants' claims. Instead, each claim should be interpreted pursuant to its specific language.

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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 11836.0702.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

Michelle C. Replogle

Patent Attorney

Reg. No. 54,394

Tel. 713.787.1535

Date: October 15, 2004